

1 Kelly M. Dermody (Cal. Bar No. 171716)  
2 Jahan C. Sagafi (Cal. Bar No. 224887)  
3 LIEFF, CABRASER, HEIMANN &  
4 BERNSTEIN, LLP  
5 275 Battery Street, 30th Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000  
Facsimile: (415) 956-1008  
E-Mail: [kdermody@lchb.com](mailto:kdermody@lchb.com)  
E-Mail: [jsagafi@lchb.com](mailto:jsagafi@lchb.com)

7 Richard C. Haber (Ohio Bar No. 0046788)  
8 Laura L. Volpini (Ohio Bar No. 0075505)  
9 HABER POLK LLP  
10 Eaton Center, Suite 620  
11 1111 Superior Avenue  
Cleveland, Ohio 44114  
Telephone: (216) 241-0700  
Facsimile: (216) 241-0739  
E-Mail: [rhaber@haberpolk.com](mailto:rhaber@haberpolk.com)  
E-Mail: [lvolpini@haberpolk.com](mailto:lvolpini@haberpolk.com)

12 | *Attorneys for Plaintiffs and the proposed Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION

15 MARTIN LEWIS and AARON COOPER,  
16 on behalf of themselves and a class of  
those similarly situated.

Case No. 08-2670 CW

## Plaintiffs.

V.

## WELLS FARGO & CO.,

## Defendant

**NOTICE OF ENTRY OF ORDER RE  
CASE MANAGEMENT CONFERENCE**

The Honorable Claudia Wilken

---

PLEASE TAK

PLEASE TAKE NOTICE that the Honorable Claudia Wilken has set a case management conference for 2:00 p.m. on September 16, 2008, as indicated in today's Case Management Order, a true and correct copy of which is attached hereto as Exhibit A.

1 Dated: June 25, 2008

Respectfully submitted,

2  
3 By: /s/ Jahan C. Sagafi  
4 Jahan C. Sagafi

5 Kelly M. Dermody (Cal. Bar No. 171716)  
6 Jahan C. Sagafi (Cal. Bar No. 224887)  
7 LIEFF, CABRASER, HEIMANN &  
8 BERNSTEIN, LLP  
9 275 Battery Street, 30th Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000  
Facsimile: (415) 956-1008  
E-Mail: kdermody@lchb.com  
E-Mail: jsagafi@lchb.com

10 Richard C. Haber (Ohio Bar No. 0046788)  
11 Laura L. Volpini (Ohio Bar No. 0075505)  
12 HABER POLK LLP  
13 Eaton Center, Suite 620  
14 1111 Superior Avenue  
Cleveland, Ohio 44114  
15 Telephone: (216) 241-0700  
Facsimile: (216) 241-0739  
E-Mail: rhaber@haberpolk.com  
E-Mail: lvolpini@haberpolk.com

16 *Attorneys for Plaintiffs and the proposed Class*



1  
2  
3  
4  
5  
6  
7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9  
10 MARTIN LEWIS, et al.,

No. C 08-2670 CW

11 Plaintiffs,

CASE MANAGEMENT  
SCHEDULING ORDER FOR  
REASSIGNED CIVIL  
CASE

12 v.

13 WELLS FARGO AND COMPANY,

14 Defendant.

15 \_\_\_\_\_/

16 This action having been reassigned to the undersigned judge,

17 IT IS HEREBY ORDERED that a Case Management Conference will be  
18 held on **September 16, 2008, at 2:00 p.m.** in Courtroom 2, 4th Floor,  
19 1301 Clay Street, Oakland, CA 94612. Pursuant to Civil L.R. 16-9(a),  
20 a joint Case Management Statement will be due seven (7) days prior to  
21 the conference.

22 Plaintiff is directed to serve a copy of this Order at once on  
23 all parties to this action in accordance with the provisions of Rule  
24 5 of the Federal Rules of Civil Procedure. Following service, the  
25 party causing the service shall file a certificate of service with the  
26 Clerk of Court.

27 This case has been designated for the Court's Electronic Case  
28

1 Filing (ECF) Program. Pursuant to General Order 45, each attorney of  
2 record is obligated to become an ECF user and be assigned a user ID  
3 and password for access to the system. All documents required to be  
4 filed with the Clerk shall be filed electronically on the ECF website,  
5 except as provided otherwise in section VII of General Order 45 or  
6 authorized otherwise by the court.

7 IT IS SO ORDERED.

8

9 Dated: June 25, 2008



---

10 CLAUDIA WILKEN  
11 UNITED STATES DISTRICT JUDGE

12

13

14

15

16

17

18

19

20

21

22

23

24

25

(Rev. 10/10/07)

26

27

28

1

2

3  
NOTICE

4

Case Management Conferences and Pretrial Conferences are conducted on Tuesdays at 2:00 p.m. Criminal Law and Motion calendar is conducted on Wednesdays at 2:00 p.m. for defendants in custody and 2:30 p.m. for defendants not in custody. Civil Law and Motion calendar is conducted on Thursdays at 2:00 p.m. Order of call is determined by the Court. Counsel need not reserve a hearing date for civil motions; however, counsel are advised to check the legal newspapers or the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) for unavailable dates.

9

Motions for Summary Judgment: All issues shall be contained within one motion of 25 pages or less, made on 35 days notice. (See Civil L.R. 7-2). Separate statements of undisputed facts in support of or in opposition to motions for summary judgment will not be considered by the Court. (See Civil Local Rule 56-2(a)). The motion and opposition should include a statement of facts supported by citations to the declarations filed with respect to the motion. Evidentiary and procedural objections shall be contained within the motion, opposition or reply; separate motions to strike will not be considered by the Court. Any cross-motion shall be contained within the opposition to any motion for summary judgment, shall contain 25 pages or less, and shall be filed 21 days before the hearing. The reply to a motion may contain up to 15 pages, shall include the opposition to any cross-motion, and shall be filed 14 days before the hearing. (See Civil Local Rule 7-3). The Court may, *sua sponte* or pursuant to a motion under Civil L.R. 6-3, reschedule the hearing so as to give a moving party time to file a reply to any cross-motion.

18

All discovery motions are referred to a Magistrate Judge to be heard and considered at the convenience of his/her calendar. All such matters shall be noticed by the moving party for hearing on the assigned Magistrate Judge's regular law and motion calendar, or pursuant to that Judge's procedures.

21

Pursuant to General Order 45, § VI.G, "In all cases subject to ECF, in addition to filing papers electronically, the parties are required to lodge for chambers **no later than noon on the business day following the day that the papers are filed electronically**, one paper copy of each document that is filed electronically."

24

25

(rev. 10/10/07)

26

27

28

1

**STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF**  
 2 **CALIFORNIA**

3 **CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

4 Commencing March 1, 2007, all judges of the Northern District of California require the identical  
 5 information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties  
 6 must include the following information in their statement which, except in unusually complex cases,  
 7 should not exceed ten pages:

8 1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over  
 9 plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal  
 10 jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served,  
 11 a proposed deadline for service.

12 2. Facts: A brief chronology of the facts and a statement of the principal factual  
 13 issues in dispute.

14 3. Legal Issues: A brief statement, without extended legal argument, of the disputed points  
 15 of law, including reference to specific statutes and decisions.

16 4. Motions: All prior and pending motions, their current status, and any anticipated motions.

17 5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be  
 18 added or dismissed and a proposed deadline for amending the pleadings.

19 6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably evident  
 20 in this action, including interdiction of any document-destruction program and any ongoing erasures of  
 21 e-mails, voice mails, and other electronically-recorded material.

22 7. Disclosures: Whether there has been full and timely compliance with the initial disclosure  
 23 requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.

24 8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed  
 25 limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R.  
 26 Civ. P. 26(f).

27 9. Class Actions: If a class action, a proposal for how and when the class will be certified.

28 10. Related Cases: Any related cases or proceedings pending before another judge of this court, or  
 before another court or administrative body.

11. Relief: All relief sought through complaint or counterclaim, including the amount of any  
 damages sought and a description of the bases on which damages are calculated. In addition, any party  
 from whom damages are sought must describe the bases on which it contends damages should be  
 calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan  
 for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions  
 necessary to position the parties to negotiate a resolution.

13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a  
 magistrate judge conduct all further proceedings including trial and entry of judgment.

1 14. Other References: Whether the case is suitable for reference to binding arbitration, a special  
1 master, or the Judicial Panel on Multidistrict Litigation.

2 15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to  
2 expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any  
3 request to bifurcate issues, claims, or defenses.

4 16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited basis  
4 with streamlined procedures.

5 17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive  
5 motions, pretrial conference and trial.

6 18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.

7 19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the  
7 "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. **In addition**, each  
9 party must restate in the case management statement the contents of its certification by identifying any  
10 persons, firms, partnerships, corporations (including parent corporations) or other entities known by the  
11 party to have either: (i) a financial interest in the subject matter in controversy or in a party to the  
proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the  
proceeding.

12 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28